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Attorneys for Defendant  
NeXXCom Wireless LLC

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

SITEXPEDITE,

Plaintiff,

v.

NeXXCom Wireless LLC,

Defendant.

**Document Electronically Filed**

**Civil Action No.:**

**2:12-cv-05107-CCC-JAD**

**NOTICE OF MOTION TO DISMISS  
AND/OR TO TRANSFER VENUE**

TO: John G. Takacs, Esq.  
89 North Haddon Avenue  
Haddonfield, NJ 08033  
Attorney for Plaintiff  
SITEXPEDITE

**PLEASE TAKE NOTICE** that on September 17, 2012 at 9:00AM, or as soon thereafter as counsel may be heard, Defendant Nexxcom Wireless LLC shall move this Court before the Honorable Claire C. Cecchi, United States District Judge, at the United States Courthouse located at Martin Luther King Jr. Federal Building, 50 Walnut Street, Newark, NJ 07010, Courtroom 2B, for an Order, pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the Plaintiff Sitexpedite's Complaint or, alternatively, its second claim for fraud, and/or, pursuant to 28 U.S.C. § 1404, transferring the venue of this action from the District of New Jersey to the Southern District of California.

**PLEASE TAKE FURTHER NOTICE** that counsel shall rely upon the attached Declaration of Samuel James Lawrence dated August 20, 2012 and the exhibits annexed thereto, the attached Declaration of Stefan Kalina dated August 20, 2012 and the exhibits annexed thereto, the accompanying Memorandum of Law in Support of this motion dated August 20, 2012, the pleadings herein and the proposed form of Order; and

**PLEASE TAKE FURTHER NOTICE** that, pursuant to Local Rule 7.1(d)(2) and (3), any opposing affidavits and answering memoranda of law shall be served no later than September 4, 2012 and reply papers, if any, shall be served no later than September 10, 2012; and

**PLEASE TAKE FURTHER NOTICE** that oral argument is requested

Cox Padmore Skolnik & Shakarchy LLP  
By: s/ Stefan B. Kalina  
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NeXXCom Wireless LLC

Dated: August 20, 2012